

## UNITED STATES GOVERNMENT

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## MEMORANDUM

DATE: August 15, 2005

TO: William F. Caton  
Acting Secretary  
Federal Communications Commission

FROM: Kenneth Burnley  
Senior Counsel  
Office of Homeland Security  
Enforcement Bureau

Re: *Ex Parte* Meeting in the Matter of Review of the Emergency Alert System,  
EB Docket No. 04-296

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AUG 15 2005

Federal Communications Commission  
Office of the Secretary

This memorandum and one copy are being filed in accordance with Section 1.1206 of the Commission's rules.<sup>1</sup> On July 13, 2005, at the invitation of Commission staff, representatives of digital television providers met at the Commission's Washington, D.C. headquarters to update the record in EB Docket No. 04-296, specifically to discuss the technical feasibility of EAS participation by digital television providers. The meeting was organized by staff from the Enforcement Bureau's Office of Homeland Security. The following organizations were represented at this meeting: Advanced Television Systems Committee (ATSC) and the National Association of Broadcasters (NAB). Attachment A to this memorandum identifies the specific individuals who attended the meeting. A list of topics for discussion was distributed prior to the meeting and is attached to this memorandum as Attachment B.

In the *EAS Notice of Proposed Rulemaking*,<sup>2</sup> the Commission sought comment on whether it should adopt rules extending EAS obligations to digital broadcast media, including digital television. In particular, the Commission sought comment on what burdens would be placed on these services by extending EAS obligations and whether the benefits outweigh the burdens.<sup>3</sup> The Commission further sought comment on a number of technical issues. We also sought comment generally on what is needed to extend EAS obligations to digital broadcasting, whether this step should be taken regardless of other alternatives, and the timing of any such extension.<sup>4</sup> In addition, digital broadcast services such as digital television (DTV) have the ability to transmit more than one program stream on their assigned channel (multicasting). We sought comment on whether DTV broadcasters should be required to transmit EAS

<sup>1</sup> 47 C.F.R. § 1.1206.

<sup>2</sup> *Review of the Emergency Alert System*, Notice of Proposed Rulemaking, 19 FCC Rcd 15775 (2004) ("*EAS Notice of Proposed Rulemaking*").

<sup>3</sup> 19 FCC Rcd at 15786, ¶29.

<sup>4</sup> *Id.* at ¶ 30.

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messages on all program streams or whether they should transmit EAS messages only on one stream and force-tune receivers to that stream.<sup>5</sup> The remainder of this memorandum summarizes the information that was shared at the July 7, 2005 meeting.

### **National Association of Broadcasters**

- A minimal amount of effort is needed for broadcasters to connect to the legacy EAS system. Most providers have tested the audio portion of their alerting system and have connectivity to the legacy system. Currently, the main industry focus is operational and architectural issues for the next generation system. The estimated time frame for the industry to fully implement their systems after resolution of requirements is 6-12 months.
- The majority of broadcast television stations are operating in a digital mode already due to the upcoming DTV transition.
- There is not too much equipment modification relating to audio transmission of the broadcast signals. Last major effort was approximately 7-10 years ago.
- A single Federal entity needs to decide the direction or goal of DTV alerting. We need a more robust protocol, not the same one.
- For multicasting functions on DTV, most providers will need modified equipment. Two general problematic issues relating to multicasting are: timing and the cable (selective) override issue. Other factors include costs, lack of available equipment, and how systems are designed.
- The typical cost for crawl mechanisms is \$8,000 to \$25,000. In its future Notice of Proposed Rulemaking, the Commission should solicit inputs from manufacturers regarding mechanisms and related equipment.

### **Advanced Television Systems Committee**

- For the DTV transition, all the industry needs to produce are set top boxes. Most stations are internally digital.
- The ongoing standard trials of the Association of Public Television Stations could be a tremendous public service but there are a number of trials in the industry proceeding simultaneously. The industry needs a common approach in order to acquire the full potential of digital broadcasts.
- The Government should adopt a specific protocol like the Common Alerting Protocol (CAP), which has a more robust way of describing emergencies. We need a standard soon or we might have turf wars.
- Who designates the protocol or standard? The Government needs to make a decision or designate the authority to do so.

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<sup>5</sup> *Id.* "Force tuning" technology allows a cable operator to switch subscribers from any programmed channel to a specific system channel that will carry EAS messages.

- The Government should mandate the requirements and then the industry should figure out a way to implement it through agreed standards. This can be accomplished in terms of years.
- The Commission may need to convene a government/industry working group to deal with goals and to decide these policy issues.
- Most likely, an appropriate time frame for industry modification for connectivity to any new EAS system is approximately 6 months for planning plus 6-9 months for station implementation.

## **Attachment A**

**Parties Attending Wednesday, July 13, 2005 EB Docket No. 04-296**  
**(Emergency Alert System)**  
**Meeting with Digital Television Providers**

**Attendees**

Mark S. Richer, President, Advanced Television Systems Committee  
Ann West Bobeck, Associate General Counsel, National Association of Broadcasters  
Kelly Williams, Senior Director, Engineering & Technology Policy, National Association of Broadcasters

**Federal Communications Commission Staff**

Gregory Cooke, Deputy Director, Office of Homeland Security, Enforcement Bureau  
Jean Ann Collins, Senior Counsel, Office of Homeland Security, Enforcement Bureau  
Kenneth Burnley, Senior Counsel, Office of Homeland Security, Enforcement Bureau  
Shannon Lipp, Office of Homeland Security, Enforcement Bureau (via telephone)  
Bonnie Gay, Office of Homeland Security, Enforcement Bureau  
Sharlene Loftly, Office of Homeland Security, Enforcement Bureau  
Darryl Smith, Office of Homeland Security, Enforcement Bureau  
Roy Stewart, Senior Deputy Bureau Chief, Media Bureau  
Rick Chessen, Associate Bureau Chief, Media Bureau  
Susan Aaron, Office of General Counsel  
Lisa Neal-Graves, Office of General Counsel  
Bruce Franca, Deputy Chief, Office of Engineering and Technology  
Alan Stillwell, Senior Associate Chief, Office of Engineering and Technology  
Richard Engelman, Chief Engineer, International Bureau  
Wayne McKee, Engineering Division, Media Bureau  
John Wong, Engineering Division, Media Bureau  
Michael Lance, Engineering Division, Media Bureau  
John Gabrysch, Engineering Division, Media Bureau  
Chip Fleming, Satellite Division, International Bureau

## **Attachment B**

## **EB Docket No. 04-296 (Emergency Alert System)**

### **Meeting with Digital Television Providers**

**Wednesday, July 13, 2005 at 1:00 p.m.**

**Room 6-B516 (6 South)**

In the August 2004 *EAS Notice of Proposed Rulemaking* (EB Docket No. 04-296), the Commission sought comment on whether it should adopt rules extending EAS obligations to digital media, including digital television (DTV). The Commission also addressed issues regarding how service providers can participate in state and local EAS activations. The Commission asked what burdens extending the EAS obligations would place on digital broadcast services and raised a number of technical questions regarding digital broadcast service participation in EAS. The following are topics and questions that we intend to explore during our conference Wednesday.

#### **Topics for Discussion.**

- What technical, economic or other issues would have to be resolved in order for DTV broadcasters to participate in EAS as it exists today?
- What changes would have to be made to EAS in order to facilitate the participation of DTV broadcasters in EAS?
- How can digital broadcast technology be used to enhance warnings, and to what extent do broadcast stations currently make use of that technology?
- Digital broadcast services such as DTV have the ability to transmit more than one program stream on their assigned channel (multicasting). If DTV providers are required to participate in EAS, should DTV broadcasters be required to transmit EAS messages on all program streams?
- What would be an appropriate implementation time frame?